

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BLUEFIELD

PERRY ADDAIR, et al.,

Plaintiffs,

v.

CIVIL ACTION NO. 1:08-1428

FEDERAL DEPOSIT INSURANCE
CORPORATION,

Defendant.

MEMORANDUM OPINION AND ORDER

Pending before the court is the motion for a stay filed by the Federal Deposit Insurance Corporation ("FDIC"), as Receiver for Ameribank, Inc., pursuant to 12 U.S.C. § 1821(d)(12)(A)(ii). Plaintiffs have not filed a response in opposition to the request for a stay.

The FDIC has filed a similar motion in three other cases pending before this court. On March 4, 2009, the court granted the motion to stay in one of the cases¹ but neglected to do so in the other three (including this case). The case has been effectively stayed during this time period.

12 U.S.C. § 1821(d)(12)(B) provides that upon receipt of a request by a receiver pursuant to subparagraph (A) for a stay, "the court shall grant such stay as to all parties." Based on the foregoing, the motion to stay is GRANTED and this proceeding

¹ Wright v. Sutton, Civil Action No. 1:08cv1431.

is stayed until June 3, 2009 - - the day in which the stay ends in the Wright v. Sutton case.

The Clerk is requested to send a copy of this Memorandum Opinion and Order to counsel of record.

IT IS SO ORDERED this 7th day of May, 2009.

ENTER:

A handwritten signature in black ink, reading "David A. Faber", is written over a horizontal line.

David A. Faber

Senior United States District Judge